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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,106	07/20/2000	Christopher G. Hipp	067856.0104	2753
7590	09/07/2004		EXAMINER PHAN, TAM T	
			ART UNIT 2144	PAPER NUMBER

Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/620,106

Applicant(s)

HIPPO, CHRISTOPHER G.

Examiner

Tam (Jenny) Phan

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) ✓
Paper No(s)/Mail Date 07/15/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. Amendment received on 05/25/2004 has been entered. Claims 1, 31, and 35-36 are currently amended. Claims 2-30, 32-34, and 37-42 are original.
2. Claims 1-42 are presented for examination.

Priority

3. No priority claims have been made.
4. The effective filing date for the subject matter defined in the pending claims in this application is 07/20/2000.

Information Disclosure Statement

5. An initialed and dated copy of Applicant's IDS form 1449, Received on 07/15/2004 is attached to the instant Office action.
6. The Search report of PCT/US01/22289, which is a continuation in part (CIP) of the instant application, was received on 10/28/2002. The prior art listed in the search report was not applied to the instant application because the search report was established and applied for the invention of a single board computer comprising on board central processing unit, memory, network interfaces, and disk drives having different sizes and power inputs. The invention of the instant application is a data processing system including a plurality of web server cards coupled with two routers capable of managing private communication requests between the interface cards and public communication network outside the data processing system. Thus, the prior art disclosed in the search report was not applied to the instant application.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-3, 9-12, 14-21, 31-32, 38-40, and 42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 and 15-22, of U.S. Patent No. 6,411,506. Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences between the two pending applications are minor wording, which do not change the scope of the invention. Refer to the below observation for obvious variations of limitation in claims 1-3, 9-12, 14-21, 31-32, 38-40, and 42 of the instant application and claims 1-7 and 15-22 of the pending application.

U.S. Patent No. 6,411,506	Pending Application No. 09/620,106
1. A server chassis, comprising: a plurality of web server processing cards coupled with a midplane; a first network interface card coupled with the midplane;	1. A data processing system, comprising: a plurality of web server processing cards, coupled with a midplane; a first network interface card coupled with each of the plurality of web server processing cards and the midplane;

<p>wherein the midplane includes printed circuitry operable to provide data communications between the plurality of web server processing cards and the first network interface card;</p> <p>a second network interface card coupled with the midplane, and operable to couple the plurality of web server processing cards with a private network;</p> <p>the first network interface card operable to couple the plurality of web server processing cards with a public network;</p> <p>a third network interface card; and wherein the third network interface card is operable to couple the plurality of web server processing cards with a management network.</p>	<p>each of the plurality of web server processing cards coupled with a private network communication router over a second communication path, the private network communication router coupled with at least one private processing system and operable to provide processing services upon receipt of a processing request from one of the plurality of web server processing cards;</p> <p>each of the plurality of web server processing cards coupled with a public network communication router over a first communication path, the public network communication router coupled to a public network and operable to route data packets to and from the web server processing cards;</p> <p>and each of the plurality of web server cards coupled with a management system operable to monitor and manage the plurality of web Server processing cards.</p> <p>3. The data processing system of Claim 1, further comprising: a third communication path coupling the management system and the plurality of web server processing cards; and wherein the management system communicates with the web server processing cards over the third communication path.</p>
<p>2. The server chassis of claim 1, wherein the second network interface card is operable to couple the plurality of web server processing cards with a management network.</p>	<p>2. The data processing system of Claim 1, wherein the management system communicates with the web server processing cards over the second communication path.</p>

<p>3. The server chassis of claim 1, further comprising: a first power supply mounting mechanism operable to couple the midplane with a first power supply; and wherein the printed circuitry is operable to distribute power from the first power supply to the plurality of web server processing cards.</p> <p>5. The server chassis of claim 3, further comprising: a second power supply mounting mechanism operable to couple the midplane with a second power supply; and wherein the printed circuitry is operable to distribute power from the second power supply to the plurality of web server processing cards.</p> <p>7. The server chassis of claim 5, wherein the printed circuitry is configured to allow the removal of the first power supply from the first power supply mounting mechanism during the operation of at least one of the plurality of web server processing cards, without affecting the operation of the at least one of the plurality of web server processing cards.</p> <p>6. The server chassis of claim 5, wherein the printed circuitry is configured to balance the power load from the plurality of web server processing cards between the first and second power supply mounting mechanisms.</p>	<p>9. The data processing system of Claim 1, further comprising: at least a first power supply coupled with the midplane; and the first power supply operable to provide power to components of the web server processing cards and components of the first and second network interface cards.</p> <p>10. The data processing system of Claim 9, further comprising: a second power supply coupled with the midplane; and the second power supply operable to provide power to components of the web server processing cards and components of the first and second network interface cards.</p> <p>11. The data processing system of Claim 10, wherein the first and second power supplies are hot swappable.</p> <p>12. The data processing system of Claim 10, wherein the first and second power supplies are load balanced.</p>
<p>15. The server chassis of claim 1, further comprising a high density connector coupled with the first network interface card.</p> <p>16. The server chassis of claim 15, wherein the high density connector includes an RJ-21 connector.</p>	<p>14. The data processing system of Claim 1, further comprising a high density connector coupled with the public network router and the first communication path.</p> <p>15. The data processing system of Claim 14, wherein the high density connector includes an RJ 21 connector.</p>

<p>17. The server chassis of claim 15, wherein the high density connector is operable to receive data communications from fiber optic cables providing gigabit ethernet (GE).</p> <p>18. The server chassis of claim 15, wherein the high density connector is operable to receive data communications from copper wire providing gigabit ethernet (GE).</p> <p>19. The server chassis of claim 1, further comprising: a connector coupled with the second network interface card; and the second connector operable to receive data communications from fiber optic cables providing gigabit ethernet (GE).</p> <p>20. The server chassis of claim 1, further comprising: a connector coupled with the second network interface card; and the connector operable to receive data communications from copper wires providing gigabit ethernet (GE).</p> <p>21. The server chassis of claim 1, further comprising: a connector coupled with the third network interface card; and the connector operable to receive data communications from fiber optic cables providing gigabit ethernet (GE).</p> <p>22. The server chassis of claim 1, further comprising: a connector coupled with the third network interface card; and the connector operable to receive data communications from copper wires providing gigabit ethernet (GE).</p>	<p>16. The data processing system of Claim 1, wherein the first communication path includes fiber optic cables operable to provide gigabit ethernet (GE).</p> <p>17. The data processing system of Claim 1, wherein the first communication path includes copper wire operable to provide gigabit ethernet (GE).</p> <p>18. The data processing system of Claim 1, wherein the second communication path includes fiber optic cables operable to provide gigabit ethernet (GE).</p> <p>19. The data processing system of Claim 1, wherein the second communication path includes copper wire operable to provide gigabit ethernet (GE).</p> <p>20. The data processing system of Claim 3, wherein the third communication path includes fiber optic cables operable to provide gigabit ethernet (GE).</p> <p>21. The data processing system of Claim 3, wherein the third communication path includes copper wire operable to provide gigabit ethernet (GE).</p>
<p>1. A server chassis, comprising: a plurality of web server processing cards coupled with a midplane; a first network interface card coupled with the midplane; wherein</p>	<p>31. A data processing system, comprising: a plurality of web server processing cards, coupled with a midplane; a first network interface card coupled with each of the</p>

<p>the midplane includes printed circuitry operable to provide data communications between the plurality of web server processing cards and the first network interface card; a second network interface card coupled with the midplane, and operable to couple the plurality of web server processing cards with a private network; the first network interface card operable to couple the plurality of web server processing cards with a public network; a third network interface card; and wherein the third network interface card is operable to couple the plurality of web server processing cards with a management network.</p>	<p>web server processing cards through the midplane; and wherein each of the plurality of web server processing cards are coupled with a public network communication router over a first communication path, the public network communication router coupled to a public network and operable to route data packets to and from the web server processing cards.</p> <p>32. The data processing system of Claim 31, wherein each of the plurality of web server processing cards are coupled with a private network communication router over a second communication path, the private network communication router coupled with at least one private processing system and operable to provide processing services upon receipt of a processing request from one of the plurality of web server processing cards.</p>
<p>3. The server chassis of claim 1, further comprising: a first power supply mounting mechanism operable to couple the midplane with a first power supply; and wherein the printed circuitry is operable to distribute power from the first power supply to the plurality of web server processing cards.</p> <p>5. The server chassis of claim 3, further comprising: a second power supply mounting mechanism operable to couple the midplane with a second power supply; and wherein the printed circuitry is operable to distribute power from the second power supply to the plurality of web server processing cards.</p> <p>7. The server chassis of claim 5, wherein the printed circuitry is configured to allow</p>	<p>38. The data processing system of Claim 31, further comprising: a first power supply coupled with the midplane; and the first power supply operable to provide power to components of the web server processing cards and components of the first, network interface card.</p> <p>39. The data processing system of Claim 38, further comprising: a second power supply coupled with the midplane; and the second power supply operable to provide power to components of the web server processing cards and the first network interface card.</p> <p>40. The data processing system of Claim 39, wherein the first and second power</p>

the removal of the first power supply from the first power supply mounting mechanism during the operation of at least one of the plurality of web server processing cards, without affecting the operation of the at least one of the plurality of web server processing cards.	supplies are hot swappable.
6. The server chassis of claim 5, wherein the printed circuitry is configured to balance the power load from the plurality of web server processing cards between the first and second power supply mounting mechanisms.	42. The data processing system of Claim 39, wherein the first and second power supplies are load balanced.

9. Regarding claims 4-8, 13, 22-30, 33-37, and 41, these claims are depended upon a rejected independent claim, and thus are also rejected.

Response to Arguments

10. Applicant's arguments, filed 05/25/2004, with respect to the rejection(s) of claim(s) 1-30, 32, 35-37, and 42 under 35 U.S.C 103(a) and claims 31-33, and 38-41 under 35 U.S.C 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hipp et al. (U.S. Patent Number 6,411,506). Refer to the Double Patenting rejection above for details.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703)

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305-4665 or (571) 272-3930 (new telephone number after October 2004). The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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September 2, 2004